

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARILYN KUNELIUS,

Plaintiff,

v.

TOWN OF STOW, et al.

Defendants.

CIVIL ACTION NO. 05-11697-GAO

THE TRUST FOR PUBLIC LAND'S MOTION FOR A PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, defendant the Trust for Public Land (“TPL”) hereby moves for a protective order prohibiting plaintiff Marilyn Kunelius (“Kunelius”) from examining TPL’s Rule 30(b)(6) deponent on Topics 1, 2, 3, and 11 of Kunelius’ Notice of Rule 30(b)(6) Deposition of Defendant The Trust for Public Land (“Deposition Notice”).

For the reasons stated in the accompanying Memorandum of Law, TPL respectfully requests that the Court issue a protective order barring Kunelius from inquiring into Topics 1, 2, 3, and 11 in the Deposition Notice, and grant such other relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

TPL believes oral argument may assist the Court and hereby requests oral argument on this Motion pursuant to Local Rule 7.1(D).

Dated: March 9, 2007

Respectfully submitted,

THE TRUST FOR PUBLIC LAND

By its attorneys,

/s/ Dahlia S. Fetouh

Richard A. Oetheimer (BBO # 377665)
Dahlia S. Fetouh (BBO # 651196)
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
(617) 570-1000

CERTIFICATION UNDER LOCAL RULE 7.1 AND LOCAL RULE 37.1; AND
CERTIFICATE OF SERVICE

I, Dahlia Fetouh, hereby certify that counsel for The Trust for Public Land conferred with Michael McLaughlin, counsel for Plaintiff, through the correspondence attached as exhibits to the accompanying memorandum of law and a telephone conversation on March 9, 2007 at 11:40 a.m., in a good faith attempt to resolve or narrow the issues in this motion prior to its filing. The parties were unable to reach any agreement on the issues raised in this motion and memorandum of law.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 9, 2007.

/s/ Dahlia S. Fetouh _____
Dahlia S. Fetouh

LIBA/1772602.1